

H.B. 284

GUARDIANSHIP AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 2

MARCH 1, 2011 2:59 PM

Representative **Kraig Powell** proposes the following amendments:

1. *Page 1, Lines 11 through 18:*

- 11 This bill:
- 12 ▶ defines terms;
- 13 ▶ creates a method within the courts for the appointment , acceptance, and termination of a guardian or conservator
- 14 for {~~a minor~~} minors or {~~an~~} incapacitated {~~adult~~} adults ;
- 15 {~~eliminates a local school board's ability to designate guardians for students within~~
- 16 ~~its district;~~}
- ▶ requires a court to enter findings identifying function limitations of a protected person and provides elements for the court to weigh;
 - ▶ allows a parent or guardian to delegate to another by power of attorney not exceeding six months specific authority over a protected person;
 - ▶ allows the court to require a guardian to furnish a bond;
 - ▶ sets parameters for compensation and reimbursement of expenses;
 - ▶ gives the guardian of a minor the same responsibilities as a parent unless limited by the court;
 - ▶ sets procedures for appointment of a guardian for an adult, provides duties, and limits the guardian's authority to what is contained in the court order;
 - ▶ delineates specific authority and actions for conservators;
 - ▶ limits what a conservator may delegate;
 - ▶ allows the Judicial Council to exempt certain classes of guardians and conservators from the filing of management plans and annual reports by court rule;
- 17 ▶ eliminates expedited guardianship proceedings for residents of the Utah State
- 18 Developmental Center; and

2. *Page 33, Line 1016 through Page 34, Line 1020:*

- 1016 75-5c-123. Liability on reported matters -- Rules to exempt reports .
- 1017 (1) An order, after notice, approving an intermediate report of a guardian or conservator
- 1018 adjudicates liabilities concerning matters adequately disclosed in the report. An order, after
- 1019 notice, approving a final report adjudicates all previously unsettled liabilities relating to the
- 1020 guardianship or conservatorship adequately disclosed in the report.
- (2) Exemptions from filing management plans and annual reports by specific classes of guardians and conservators may be provided for by the Supreme Court in court rule.

3. Page 41, Lines 1250 through 1252:

1250 (a) consent to commitment of the protected person to {~~a mental retardation~~} an intermediate
facility for people with an intellectual disability , but
1251 shall petition the court for an order under Title 62A, Chapter 5, Part 3, Admission to {~~Mental~~
1252 ~~Retardation~~} an Intermediate Care Facility for People with an Intellectual Disability .